

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TASER INTERNATIONAL, INC., *et al.*,

Plaintiffs,

v.

MORGAN STANLEY & CO., INC., *et al.*,

Defendants.

Civil Case No.

1:10-CV-03108-JEC

DECLARATION OF BRENDAN J. DOWD

I, Brendan J. Dowd, declare as follows:

1. I am an Assistant General Counsel in the legal department of Bank of America Corporation in New York, New York. I make this declaration in support of Banc of America Securities LLC's ("BAS") and Merrill Lynch, Pierce, Fenner & Smith Incorporated's ("Merrill Lynch") Opposition to Plaintiffs' Motion to Compel a Response to Interrogatories and Production of Documents from Traders and Sales Personnel. I have personal knowledge of the facts recited herein except as otherwise indicated, and if called to testify concerning them under oath, I could and would competently testify thereto.

2. In connection with the above-captioned litigation, BAS and Merrill Lynch have retained several discovery vendors to assist with the collection, processing, review, and production of e-mails and other electronically stored information ("ESI").

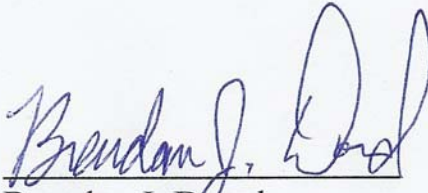
3. To date, these discovery vendors have billed BAS and Merrill Lynch more than \$3,500,000.00 for collecting, processing, reviewing, producing, and hosting ESI from approximately 109 custodians.

4. Based on these figures, BAS and Merrill Lynch have spent approximately \$32,000.00 per custodian for ESI collection and production. BAS and Merrill Lynch have no reason to believe that future ESI collections in this action would be any less expensive.

5. These discovery costs do not include hundreds of thousands of dollars in legal fees that Merrill Lynch and BAS have paid their outside counsel to conduct second-level ESI reviews for privilege and responsiveness.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

December 27, 2010


Brendan J. Dowd